

Brownfields 101

Federal, State, and Local Programs
September 2025

Allison Amram - EPC, Presenter
Belinda Richard - Terracon, Presenter

Michael Larson - Akerman, Moderator

akerman



Today's Discussion Points

- Definition and Impact of Brownfields Sites
- Evolution of Brownfields Legislation and Regulations
- Funding Mechanisms and Incentives for Brownfields Redevelopment
- Florida's Brownfield Program: Structure and Requirements
- Brownfield Site Cleanup and Rehabilitation Process
- Incentives and Tax Credits in Florida's Brownfield Program
- Community and Economic Benefits of Brownfields Programs
- Case Studies and Practical Tips for Brownfields Redevelopment

Definition and Impact of Brownfields Sites



Brownfields and their challenges



Definition of Brownfields

Brownfields are properties with **actual or perceived environmental contamination** hindering redevelopment efforts.

Challenges of Brownfields

Cleanup costs and environmental risks often deter developers, limiting community revitalization and economic growth.

Characteristics and limitations of Brownfield properties



Limitations

Brownfield sites are properties limited by potential or known environmental contamination concerns.

Perception

Environmental contamination fears restrict redevelopment and full utilization of brownfield properties.



Evolution of Brownfields Legislation and Regulations



Historical development and initial legislation



Brownfields Program Origins

The Brownfields Program began in 1995 with pilot projects focusing on community redevelopment and environmental cleanup.

Purpose and Goals

Program aims to empower states and stakeholders to prevent, assess, clean up, and sustainably reuse brownfields.

Pre-Brownfields Legislation

Before Brownfields, CERCLA or Superfund law addressed environmental contamination and cleanup responsibilities.

CERCLA regulations and liability implications



1980 CERCLA

Property owners were held to strict liability.

Strict Liability Concept

CERCLA enforces strict liability, holding property owners responsible without fault for contamination.

Joint and Several Liability

Both current and past property owners can be held individually or collectively liable for contamination.

Chain of Title Accountability

Any owner in the property's chain of title may be liable, regardless of who caused the contamination.

Explore with us

Key amendments and acts shaping Brownfields regulations



Brownfields Revitalization Act 2001

This act amended CERCLA to provide a clear definition of Brownfield sites for regulatory purposes.

Liability Protection

Provides liability protection to prospective responsible parties who meet specific regulatory requirements.

State Response Assistance

Supports state response programs to help manage and remediate Brownfield sites effectively.

Brownfields Revolving Loan Fund

Established a revolving loan fund to finance cleanup and redevelopment of Brownfield properties.

Explore with us

EPA grant programs and liability protections



Brownfields Amendment Overview

The 2002 Brownfields Amendment codified EPA policies and established essential programs for environmental cleanup. Codified many of EPA practices, policies and guidance. ***Established applicability of AAI.***

EPA Brownfields Grant Program

EPA's Brownfields grant program provides funding to support cleanup and revitalization of contaminated properties.

Liability Protections Under CERCLA

Amended CERCLA offers liability protections to innocent landowners, contiguous property owners, and Bona Fide Prospective Purchasers (BFPPs).

Legislative updates and expanded funding



BUILD Act Reauthorization

The 2018 BUILD Act reauthorized EPA's Brownfield Program to continue supporting redevelopment projects.

Increased Grant Funding

Funding authorization for Brownfield grants was increased to support more environmental cleanup projects. Removed requirement of cost share on cleanup grants.

Expanded Applicant Eligibility

501c3 nonprofits, LLCs, and LLPs with 501c3 managing partners can now apply for Brownfield funding.

Liability Protection Expanded

Liability protection for Brownfield redevelopment projects was expanded to encourage more participation.

Explore with us



Federal investment and new program initiatives



Brownfields Regulations

Updated regulations support cleanup and redevelopment of contaminated sites, enhancing community revitalization.

2021 Bipartisan Infrastructure Law

Significant investment in drinking water and wastewater infrastructure improves public health and environmental quality.

2022 Inflation Reduction Act

Funding includes new and existing federal programs with an additional \$1.5 billion for EPA Brownfields over four years.

Increased Grants Awarded

The combined initiatives resulted in larger, and more grants awarded during the performance period to accelerate redevelopment.



Explore with us

Funding Mechanisms and Incentives for Brownfields Redevelopment



Overview of funding sources and incentives



Federal Grant Programs

EPA provides federal grants for assessment, cleanup, revolving loans, and multipurpose brownfield projects to support redevelopment. Also job training and tribal grants.

State Financial Incentives

State programs offer diverse financial incentives including tax credits and funding targeting brownfield redevelopment. 128a grants.

Regulatory and Technical Support

Brownfield programs provide regulatory benefits, liability protections, and technical assistance to encourage redevelopment. (FDEP, also EPA)

Leveraging Funding Sources

Funding from federal and state sources is often combined to maximize brownfield redevelopment efforts and job training initiatives.



Explore with us

Types of federal EPA grants and their application



Brownfield Grant Types

EPA offers several Brownfield grants including

- Community Wide Assessment,
- Site-Specific Assessment,
- Coalition Assessment
- Cleanup, and
- Revolving Loan Fund grants.

Job Training Grants

Job Training grants support workforce development in environmental cleanup and revitalization projects.

Grant Cycle and Timing

EPA grants follow an annual cycle with specific timing for application submissions and awards.

EPA FY 26 Grant Funding

EPA FY26 NUMBERS					
Grant Type	Maximum Project Period (Yrs)	Maximum Amount per Grant	Estimated Awards	Total Per Grant Type - Bipartisan Infrastructure Law Funds	Total Per Grant Type - Regular Appropriated Funds
Multipurpose	5	\$1,000,000	20	\$20,000,000	
Assessment	4	\$500,000	70	\$35,000,000	
Coalition	4	\$1,500,000	39	0	\$58,500,000
State Tribes	5	\$2,000,000	18	\$36,000,000	
Cleanup	4	\$500,000	10	\$5,000,000	
Cleanup	4	\$4,000,000	26	\$104,000,000	
Total Grants			183	\$200,000,000	\$58,500,000
Total Funding			\$258,500,000		



Explore with us

Utilization of federal funds for redevelopment and assessment



Support for Redevelopment

Federal brownfield funds support property transactions and redevelopment with layered incentives.

Federal brownfield assessment grants fund

- Outreach and engagement activities to support local projects
- Property inventories, and required reporting
- Due diligence: environmental site assessments (ASTM Phase I and II ESA)
- Remediation planning
- Reuse planning on properties based on results of assessments
- Lead to cleanup grants

Florida's Brownfield Program: Cleanup & Redevelopment



Florida's Brownfield Site Cleanup and Redevelopment Process

An incentive-based program for the redevelopment and voluntary cleanup of potentially contaminated properties to reduce public health and environmental hazards.

- Initiated by EPA 1995
- Started in Florida 1997
- Florida Brownfield Redevelopment Act, Florida Statute 376.77 – 376.85
- Florida Statute 376.77 - .85 changes, effective **July 1, 2025**



Explore with us

Requirements & Incentives

Two Requirements:

1. Property is contaminated, or has the perception of contamination
2. Owner did not cause contamination

Incentives:

- Financial incentives
- liability protection
- Site Rehabilitation Completion Order (SRCO) goal for contaminated sites



Brownfield Area Designation – approval for Redevelopment Plan

Brownfield Area: An area designated by local government resolution that meets the criteria in FS 376. Criteria differs based on who requests the designation.

1. Owner agrees to voluntary environmental cleanup, if needed.
2. Redevelopment will create 5 new jobs (**unless affordable housing**)
3. Redevelopment fits into local gov't plan
4. Notice of redevelopment is provided to neighbors
5. Owner has sufficient financial resources for project



Establishing a Brownfield Site (Environmental Cleanup)

- Brownfield Area is Designated
 - Site evaluation found contamination
 - Define Brownfield Site property (survey)
 - Execute a **BSRA**

A **Brownfield Site Rehabilitation Agreement** (BSRA) is a voluntary cleanup agreement for the Person Responsible for Brownfield Site Rehabilitation (PRFBSR) to cleanup any contamination that originates onsite.

Once the BSRA is signed, the PRFBSR is eligible for incentives!



Explore with us

Brownfield Site –Voluntary Cleanup process

Chapter 62-780 –Contaminated Site Cleanup Criteria

Florida's Rule for Assessment, Remediation and Closure of Contaminated Sites. All Florida Brownfield Sites are required to follow this Rule.

Chapter 62-777 –Contaminant Cleanup Target Levels

Florida Rule that lists Target Levels for cleanup of contaminated soils, surface waters and groundwater.

Site Rehabilitation under Chapter 62-780

- Assess soil and groundwater contamination that originates onsite.
- Offsite assessment is required if contamination has moved off the Brownfield site property.
- Cleanup/Remediate soils and groundwater
- Monitor groundwater to evaluate for closure conditions
- Evaluate Site Closure Conditions



62-780 Closure Options – RMO1, 2, 3

Clean closure (RMO1)– no remaining environmental contaminants, or

Conditional Closure (RMO2 or RMO3)– remaining environmental contaminants are controlled to prevent human or environmental exposure. Controls left in place and recorded. Controls may include:

- Engineering Controls
- Restrict land use options
- Prohibit/limit groundwater uses
- Deed Restrictions, or other Institutional Controls – always check FDEP's Institutional Controls Procedures Guidance (ICPG) webpage!



So... What are the incentives?



Liability protection - Florida Statute 376.82



VCTC – Voluntary Cleanup Tax Credits



Building materials sales tax refund



Job Creation Bonus tax refund



Explore with us

FDEP Incentives

- **Liability Protection** – from claims relating to site contamination, provided upon signing the BSRA (FS 376.82)
- **VCTC – Voluntary Cleanup Tax Credit** – for 25-50% of allowable site rehabilitation costs up to a maximum amount.
 - Issued as tax credit for Florida Corporate Income Tax
 - Can resell tax credits



VCTC Credit

Deadline!!

January 31st 5pm

For annual Site Rehabilitation costs

Tax Credit Type	Application Frequency	% Allowed / Maximum Credit for Costs Incurred and Paid after 12/31/07	
Site Rehabilitation	Annually	50%	\$500,000
No Further Action Bonus (i.e., SRCO)	Sign BSRA by December 31st to get VCTCs for all work done that calendar year!!!!		
Affordable Housing Bonus			
Health Care Facility Bonus	Once	25%	\$500,000
Solid Waste	Once	50%	\$500,000



Explore with us

Florida's Targeted Brownfields Assessment Grant



Explore with us

Florida's Targeted Brownfields Assessment Grant

- Must meet legal definition of a Brownfield
- Administered by FDEP & funded by EPA
- Grants up to \$200,000
- Eligible Applicant List on FDEP website
- Applications on a revolving basis for Oct 2025 start
- FDEP contractors perform the work, and FDEP pays the contractor directly (Waste Cleanup Contract)

...There is still



available for October 2025!!



Explore with us

Community Benefits of the Brownfields Program

- Economic & Financial Impact
 - Property values & Job creation
- Community development
 - Historical preservation
 - Recreation
 - Services
 - Catalyst for renewal
- Infill benefits
 - Reuse of existing infrastructure
 - Preserve open lands



Delegated Programs by FDEP

Hillsborough County

Environmental Protection
Commission



Broward County

Environmental Permitting
Division



Miami-Dade County

Division of Environmental
Resources Management



Explore with us

EPC's Delegated Brownfields Program

Manage contaminated site cleanup

- BSRA → SRCO
- 51 EPC Brownfield sites
- 29 closed – 4 in 2024, 3 in 2025 so far
- 22 active sites, 2 BSRAs pending and more on the way!



Property Value Changes



Baycare hospital-Plant City \$104,600,000
Inscription Channel Apt \$ 70,810,000
Marlowe Apt \$ 86,450,000



Explore with us

Cleanup Tips, Process

- Site Rehabilitation work can begin before the BSRA is signed. Plan time for the BA and **sign the BSRA by Dec 31st!**
- Brownfields cleanup is designed to proceed with the redevelopment of the site—balance each process.
- Site can be fully redeveloped and functioning while the environmental investigation winds down.



Updates to the Brownfields Statute, FS 376

- Changes the definition of a Brownfield site
- Removes monetary compensation hurdle for old landfills to allow easier access to VCTCs
- Changes processing times for VCTCs
- Adds Trusts as eligible PRFBSR
- Allows SRCO when Brownfields site cleanup done, if site is part of a larger impacted area, where other, adjacent properties were contaminated by the same land use/source. Applies retroactively.
- Changes the eligibility date for a municipality to discharges or impacts prior to 7/1/2025
- Provides a path for Superfund sites to be eligible for Brownfields

Contacts

- EPA: [Brownfields | US EPA](#)
- FDEP: [Brownfields Program | Florida Department of Environmental Protection](#)
- EPC of Hillsborough County: [Brownfields | EPC of Hillsborough County, FL \(epchc.org\)](#)
- Broward County: [Brownfields Brownfields \(broward.org\)](#)
- Miami-Dade DERM: [Brownfields - Miami-Dade County \(miamidade.gov\)](#)



Explore with us

Thank you!

Allison Amram, PG

EPC of Hillsborough County
Brownfields Coordinator
813.627.2600,
ext. 1294
amrama@echc.org

Belinda Richard

Terracon
National Manager
Brownfields & Grants Programs
813.321.0345
Belinda.Richard@Terracon.com